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10/083,649	02/27/2002	William W. Stead	VUMC001/00US	1797

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EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/083,649

Applicant(s)

STEAD ET AL.

Examiner

Dilek B. Cobanoglu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-20 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-8, 10-14, and 16-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Eglington (U.S. Patent Publication No. 2002/0091687 A1).

A. As per claim 1, Eglington discloses a method for supporting a clinical action to be ordered by a clinician, the method comprising:

- i. receiving a request for an order from the clinician (Eglington; par. 0013 and 0051);
  - ii. determining a clinical context of the order (Eglington; par. 0052);
  - iii. presenting practice information to the clinician, based on the clinical context, describing a pre-determined practice method for executing the clinical action (Eglington; par. 0021, 0060 and 0061);
- and

- iv. generating an order for the clinical action based on input from the clinician with respect to the practice information (Eglington; par. 0062 and 0063).

B. As per claim 3, Eglington discloses the method of claim 1, wherein said generating an order for the clinical action further comprises: generating a natural-language version of the order with detail required for implementation (Eglington; par. 0085).

C. As per claim 4, Eglington discloses the method of claim 1, wherein said determining a clinical context of the order further comprises: presenting high-probability choices for the clinical context based on the request for the order (Eglington; par. 0013).

D. As per claim 5, Eglington discloses the method of claim 1, wherein said presenting practice information to the clinician further comprises: presenting links to decision-support information (Eglington; par. 0053 and 0085).

E. As per claim 6, Eglington discloses the method of claim 1, wherein the practice information includes pertinent current medical research information (Eglington; par. 0053).

F. As per claim 7, Eglington discloses the method of claim 1, wherein the practice information includes patient-specific information (Eglington; par. 0053).

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G. As per claim 8, Eglington discloses a system for receiving order information from a clinician and generating an order based thereon, the system comprising:

- i. an order-entry subsystem operable to receive an order request from the clinician (Eglington; par. 0051); and
- ii. a best-practice subsystem operable to determine a clinical context for the order and provide pre-determined practice information for enacting the order, based on the clinical context (Eglington; par. 0052).

H. As per claim 10, Eglington discloses the system of claim 8, wherein the best-practice subsystem is further operable to receive input from the clinician for selecting order characteristics from the practice information (Eglington; par. 0051 and 0053).

I. As per claim 11, Eglington discloses the system of claim 10, wherein the best-practice subsystem further comprises: a decision support subsystem operable to provide links to relevant data that assists the clinician in selecting the order characteristics (Eglington; par. 0053).

J. As per claim 12, Eglington discloses the system of claim 11, wherein the relevant data is patient-specific data (Eglington; par. 0053).

K. As per claim 13, Eglington discloses the system of claim 11, wherein the relevant data presents current research findings (Eglington; par. 0053).

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L. As per claim 14, Eglington discloses an article of manufacture, which comprises a computer readable medium having stored therein a computer program carrying out a method for generating medical orders, the computer program comprising:

- i. a first code segment for presenting high-probability action choices to a clinician based on an order request entered by the clinician (Eglington; par. 0013 and 0078);
- ii. a second code segment for presenting high-probability clinical context choices to the clinician based on an action chosen by the clinician (Eglington; par. 0013 and 0078);
- iii. a third code segment for presenting practice methods based on a clinical context chosen by the clinician (Eglington; par. 0060, 0061, 0078 and 0083); and
- iv. a fourth code segment for generating the medical order based on a practice method chosen by the clinician (Eglington; par. 0062, 0063 and 0085).

M. As per claim 16, Eglington discloses the article of manufacture of claim 14, wherein the third code segment further presents decision-support data for assisting the clinician in choosing from among the practice methods presented (Eglington; par. 0081-0083).

N. As per claim 17, Eglington discloses the article of manufacture of claim 16, wherein the decision support data includes patient-specific data (Eglington; par. 0053 and 0081-0083).

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O. As per claim 18, Eglington discloses the article of manufacture of claim 16, wherein the decision support data includes current medical information (Eglington; par. 0053 and 0081-0083).

P. As per claim 19, Eglington discloses the article of manufacture of claim 16, wherein the third code segment presents the decision support data by providing links to thereto during presentation of the practice methods (Eglington; par. 0053 and 0081-0083).

Q. As per claim 20, Eglington discloses the article of manufacture of claim 14, wherein the decision support data includes administratively-defined prerogatives (Eglington; par. 0060 and 0061).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eglington (U.S. Patent Publication No. 2002/0091687 A1) in view of Mitchell et al. (U.S. Patent No. 6,684,188 B1).

A. As per claim 2, Eglington discloses the method of claim 1 wherein said receiving a request for an order from the clinician.

Eglington fails to expressly teach the receiving the request for an order in clinical shorthand, per se, since it appears that Eglington is more directed to standard computer communication protocols (Eglington; par. 0085). However, this feature is well known in the art, as evidenced by Mitchell et al.

In particular, Mitchell et al. discloses receiving the request for an order in clinical shorthand (Mitchell et al.; col. 7, lines 7-21).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the standard computer communication protocols with the receiving the request for an order in clinical shorthand with the motivation of increase the efficiency of the documentation process and generate dramatically correct phrases and sentences (Mitchell et al.; col. 7, lines 8-10 and 12-14).

B. As per claim 9, Eglington discloses the system of claim 8, wherein the order-entry subsystem receives the order request (Eglington; par. 0051).

The obviousness of modifying the teaching of Eglington to include receiving the request for an order in clinical shorthand (as taught by Mitchell et al.) is as addressed above in the rejection of claim 2 and incorporated herein.

C. As per claim 15, Eglington discloses the article of manufacture of claim 14, wherein the first code segment receives the order request (Eglington;



par. 0013 and 0078) and the fourth code segment generates a natural-language version of the medical order (Eglington; par. 0085).

The obviousness of modifying the teaching of Eglington to include receiving the request for an order in clinical shorthand (as taught by Mitchell et al.) is as addressed above in the rejection of claim 2 and incorporated herein.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach "Computer system and method for suggesting treatments for physical trauma" 4,839,822 A, "Interpretative system for systematic learning and support for decision-making" 5,274,749 A, "Hypermedia structured knowledge base system" 5,333,237 A, "Expert system for providing interactive assistance in solving problems such as health care management" 5,517,405 A, "Health care management system for managing medical treatments and comparing user-proposed and recommended resources required for treatment" 5,583,758 A, "Electronic medical records system" 5,924,074 A, "Health care management system for comparing user-proposed and recommended resources required for treatment" 5,953,704 A, "Automated diagnostic system and method including synergies" 6,468,210 B2, "System and method for external input of disease management algorithm" 2005/0107672, "Hospital informatics system" 2001/0050610.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC

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03/21/2006

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER